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July 1, 2018 DMV Legislation

Title fee

Virginia's vehicle title fee increased from \$10 to \$15 on July 1. The Commonwealth's title fee has not been adjusted since the 1980s and remains significantly less than the title fees charged by surrounding states.

Vehicle registration extensions for some customers with outstanding tolls

House Bill 1069/Senate Bill 575 enables Virginians whose ability to renew their expiring vehicle registration has been withheld due to outstanding road tolls to request a one month registration extension if the current registration period will expire within the calendar month. This gives the customer time to settle their debt without impacting their ability to use their vehicle. Applicable customers must pay a \$10 administrative fee and a fee for a one-month renewal. Only one extension may be granted for any one vehicle registration period.

Temporary vehicle registration for some customers with delinquent taxes

House Bill 489 permits persons with delinquent taxes or fees, including local vehicle license fees, delinquent tangible personal property tax, or parking citations, to register a newly purchased vehicle for up to 90 days. This allows individuals to purchase a vehicle, but grants time to satisfy delinquent taxes or fees. Once the taxes or fees are satisfied, DMV may issue a full one-, two-, or three-year registration. For more information, visit https://www.dmv.virginia.gov/vehicles/#stop_register.asp.

Legislative Bulletin

HB 1413 Display or parking of used motor vehicles for sale; penalty. (Helsel)

Amends VA Code Section §46.2-1508.2 **Display or parking of used motor vehicles for sale; penalty.** Clarifies that the prohibition on the display or parking, or permitting the display or parking, of five or more used motor vehicles within any 12-month period on real property to sell or advertise the sale of used motor vehicles applies per property and provides that a property owner or lessee in violation of such prohibition is guilty of a Class 4 misdemeanor.

The bill also required the Motor Vehicle Dealer Board to create a form to place on a vehicle that is in violation of the law (**NEW FORM : MVDB 60, Violation Notice**).

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Legislative Bulletin

Summary: MVDB 60, Violation Notice is for public and government official use to notify the owner or lessee of a used motor vehicle(s) parked or displayed for sale on real property of a potential Virginia Code violation. MVDB 60 form is available on our website at <http://www.mvdb.virginia.gov/forms/default.aspx>

REVISED MVDB 61 – Effective 07/01/2018

DESTROY ANY OLD STOCK ON HAND

Form is available on MVDB's website <http://www.mvdb.virginia.gov/forms/default.aspx> Summary: Revision to Section 4 - Employing Dealer Certification

Dealers who perform their own criminal record on salesperson's applicants must now include **Vendor Name and Background check Report Number** prior to submitting to MVDB for salesperson license processing.

FTC Buyers Guide

The Federal Trade Commission, working jointly with 12 partner agencies in seven states, conducted the first compliance sweep of car dealerships since the amended Used Car Rule took effect earlier this year. Under the amended Rule, dealers must display a revised window sticker called a "Buyers Guide," which contains warranty and other important information for consumers, on each used car they offer for sale.

The compliance sweep was conducted between April and June 2018, in 20 cities nationwide. The inspectors found Buyers Guides on 70 percent of the more than 2,300 vehicles inspected, with almost half of those displaying the revised Buyers Guide. Of the 94 dealerships inspected, 33 had the revised Buyers Guide on more than half of their vehicles, and 14 had revised Buyers Guides on all of their used cars.

Following the sweep, the FTC sent letters to each dealership detailing the results of the inspections and providing material to help them come into full compliance with the amended Rule. Over the coming weeks, dealerships that were not displaying the revised Buyers Guide can expect follow-up inspections to ensure they have brought themselves into com-

Cont'd on pg. 3

Upcoming EVENTS

BOARD MEETINGS

All Meetings are held at DMV Headquarters
2300 W. Broad Street, Room 702
Richmond, VA

Monday, September, 10 2018

Dealer Practices Committee Meeting

Time: 12:00 p.m.

Licensing Committee Meeting

Time: Immediately following Dealer Practices Committee

Advertising Committee Meeting

Time: Immediately following Licensing Committee

Transaction Recovery Fund Committee Meeting

Time: Immediately following Advertising Committee

Full Board Meeting

Time: 1:00 p.m. or 15-30 minutes immediately following Transaction Recovery Fund Committee meeting.

MVDB will be closed



◆ **Monday, September 3, 2018**

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FTC

pliance with the amended Rule. Under the FTC Act, dealers who fail to comply face penalties of up to \$41,484 per violation. State and local law enforcement agencies also enforce the recently amended Rule.

The Revised Buyers Guide

On November 18, 2016, the FTC amended the Used Car Rule. Under the amended Rule, as of January 28, 2018, dealers are required to display a revised Buyers Guide on all used vehicles they offer for sale. The revised Buyers Guide:

- Changes the description of an “As Is” sale;
- Places boxes on the face of the Buyers Guide that dealers can check to indicate whether a vehicle is covered by a third-party warranty and whether a service contract may be available;
- Provides a box that dealers can check to indicate that an unexpired manufacturer’s warranty applies;
- Adds air bags and catalytic converters to the Buyers Guide’s list of major defects that may occur in used vehicles;
- Adds a statement that directs consumers to obtain a vehicle history report and to check for open recalls;
- Adds a statement, in Spanish, to the English-language Buyers Guide, advising Spanish-speaking consumers to ask for the Buyers Guide in Spanish if the dealer is conducting the sale in Spanish; and
- Provides a Spanish translation of the statement that dealers may use to obtain a consumer’s acknowledgement of receipt of the Buyers Guide.

Dealership Locations and FTC Partners

Through this sweep, the FTC and its partners inspected dealerships in: 1) Burbank, North Hollywood, Richmond, San Bruno, San Jose, San Pablo, and Van Nuys, California; 2) Jacksonville, Florida; 3) Chicago, Illinois; 4) New York, New York (Queens); 5) Brooklyn Heights, Cleveland, East Cleveland, and Cleveland Heights, Ohio; 6) Arlington, Dallas, and Grand Prairie, Texas; and 7) Lakewood, Puyallup, and Tacoma, Washington.

Additional Resources

The FTC has additional information about the Used Car Rule on its website, including:

Dealer’s Guide to the Used Car Rule; and

Answering Dealers’ Questions about the Revised Used Car Rule

More information on the Buyers Guides can be found here:

Buyers Guides: Guidance;

Buyers Guides: Fillable Forms; and

Buyers Guides: Format Notes.

Reminders...

ALL IDO’s of independent dealerships must at some point in time, recertify their IDO qualification every three years by either taking an online course, classroom course, or by passing a DMV test. Click [HERE](#) for more information and [HERE](#) to determine your recertification deadline. Please note that dealers with [Franchise](#) endorsements are exempt from recertification. If you are unclear on your recertification deadline, or any other recertification questions, please contact Ann Majors at the MVDB. She may be reached at 804-367-1100 x 3016, or email at ann.majors@mvdv.virginia.gov.

DMV News

Virginia Department of Motor Vehicles (DMV) began using print on demand (PoD) technology for temporary tags in December 2009. Since its inception specific parameters for use and issuance have been defined by Virginia Code §46.2-1542, and §46.2-1561. The following serves as a reminder to participants of the appropriate method for creating customer records. Participants in the Pod program may issue temporary tags to recent purchasers at the time of sale for authorized motor vehicles. Upon issuing PoD temporary license plates, the dealer must use the full legal name presented on the customer's identity document. If the customer does not have a Virginia driver's license or an existing customer record with DMV, then a customer record may be created. For out-of-state customers, or customers without a DMV customer number, use of their social security number is acceptable. When creating a customer record use the customer's identity document to enter information. The record being created will be based on information provided by the dealer. Entering information directly from the customer's identity document prevents duplicate records from being created. If DMV locates an existing customer record based on the information keyed, an error message will be returned instructing the dealer to verify and correct the data, then resubmit. If error messages continue, the dealer will have to contact Dealer Services for a resolution. If a customer requests for a name or address change, these are not permitted through the PoD system. However, Online Dealer program participants may change a customer's address at the time of titling through the Online Dealer system. Participants outside of the Online Dealer program who receive requests for address and name changes should refer customers to DMV.

Car Sales Lowest Level in 60 Years

Just five years ago, U.S. vehicle sales were evenly split between cars and light trucks. But this year through May, trucks outsold cars by a ratio of more than 2-to-1. And there's no sign that cars will rebound anytime soon. "Exactly where the floor is, we're still sorting it out," said Stephanie Brinley, senior analyst with HIS Markit. Facing this new reality, automakers have adjusted their strategies---and there's no one-size-fits-all solution. Some are sidelining cars while others see opportunity in selling them. Still others with car-heavy sales mixes are playing catch-up in bringing more light trucks to market. In its annual "Car Wars" report, Bank of America Merrill Lynch forecasts that 71 percent of vehicle introductions in the 2019 through 2022 model years will be light trucks. "There's definitely further growth ahead," Jeff Schuster, president of LMC Automotive's Americas operation, said of pickups, SUVs and crossovers. He said trucks could account for 75 to 80 percent of U.S. light vehicle sales by 2025. See the sales chart on [pg. 10](#).

What's Wrong With This Picture?



Improper use of Dealer Tag
The Code of Virginia states in part that it is unlawful for any dealer to permit dealer's license plates to be used on :
§46.2-1550 A (2). Vehicles used to deliver or transport
(i) other vehicles....



FTC Operation Main Street

The FTC's Operation Main Street is targeting scammers that prey on small businesses. Small business keeps America in business. But while you have your shoulder to the wheel and nose to the grindstone, it can be tough to keep an eye out for scammers. That's why the FTC and law enforcement partners across the country have your back. Just one example is Operation Main Street: Stopping Small Business Scams, a coordinated initiative involving 24 civil and criminal actions against B2B fraudsters.

In addition, the Better Business Bureau has issued a research report (link is external) on small business scams, based on information from 1200 small businesses. According to the BBB, 67% of those surveyed perceive scammers as a growing risk to their company. The top five scams they identified: 1) bank/credit card company imposters; 2) directory listing and advertising services; 3) fake invoices/supplier bills; 4) fake checks; and 5) tech support scams. For the complete FTC article, click [HERE](#) or on the picture on the right.

Operation Main Street



Stopping Small Business Scams

24 Law enforcement actions nationwide

12 Partners in law enforcement, including the FTC, brought these federal and state actions

6+ Types of scams — including unordered merchandise, business directories, fake invoices, and imposters — collected more than **\$290 million** from businesses in these cases

FTC.gov/SmallBusiness

Reminders...

§46.2-1529 requires all Motor Vehicle Dealers to keep the originals or a copy of all original records at the site (dealership) for five (5) years. Dealer records would include (but is not limited to) records regarding employees; lists of vehicles in inventory for sale, resale, or on consignment; vehicle purchases, sales, trades, and transfers of ownership; collections of taxes; titling, uninsured motor vehicle, and registration fees; odometer disclosure statements; records of D-tags, transport plates and PoD; proof of safety inspections; and other records required by the DMV or the Board. These records shall be maintained and available to MVDB Field Representatives for inspection during your posted business hours.

Dealers Fear Tariffs

A 25 percent tariff on imported vehicles could chill new-car sales, devastate dealership profits and trigger job losses at stores; dealers and their advocates say. That prospect has U.S. auto dealers nervously awaiting a Trump administration verdict that could jolt dealership bottom lines.

Up to 2 million new-vehicle sales could be lost, and sticker prices would skyrocket if the tariffs go into effect, forecasters say. It could price many consumers out of the new-vehicle market and ultimately result in fewer vehicle choices, leading to less traffic on dealership lots — a message dealer trade groups are lobbying hard to get through to the White House.

Even as retailers brace for the worst, many are holding off on changes to operations in hopes the tariffs won't come to pass. "It's sort of like nuclear war. It's so unimaginable and the destruction is potentially so great, that what's the point of building a bomb shelter?" Mike Jackson, CEO of AutoNation Inc., the country's largest new-car retailer, told *Automotive News*. "It's to that dimension, and it's hard to believe that it's actually going to happen."

Jeff Dyke, executive vice president of operations for Sonic Automotive, the country's fifth-largest dealership group, calls the tariff threat troublesome. Up to 85 percent of Sonic's 100-plus stores sell luxury- or import-brand vehicles.

"Hopefully cooler heads will prevail," Dyke told *Automotive News*. "There could be some short-term pain, but hopefully that does not happen and we're able to move forward without it."

Last week, Moody's Investors Service said a 25 percent tariff would hurt almost all of the U.S. auto industry, including dealerships.

Board Actions

Dealer Practices

Informal fact-finding conferences:

Cub Run Auto, LLC and Shane Moran - On April 23, 2018, an informal fact-finding conference was conducted to address the alleged violations of failure to have an established place of business, dealer records, buyers guides, maintaining business hours, unlicensed salespersons, failure to provide proof of safety inspections prior to retail sale, and failure to comply with previous warnings. Based on the information provided at the conference, the Board revoked all licenses and certificates issued to Cub Run Auto, LLC and Shane Moran. Mr. Moran may appeal this Board action to a formal hearing.

Rosser Sales and David C. Rosser, 3rd – On April 10, 2018, an informal fact-finding conference was conducted to address the alleged violations of failure to maintain posted business hours, and failure to comply with previous warnings. Based on the information provided at the conference, the Board assessed a civil penalty of \$1,000 and a satisfactory inspection. Mr. Rosser, 3rd may appeal this Board action to a formal hearing.

Fesco Emergency Sales and Peter W. Laake, Sr. – On May 2, 2018, an informal fact-finding conference was conducted to address the alleged violations of failure to maintain dealer records and have them available for audit by the Board, failure to maintain records of D-tag usage, misuse of D-tags, and failure to comply with previous warnings. Based on the information provided at the conference, the Board assessed a civil penalty of \$1,250 and a satisfactory inspection. Mr. Laake may appeal this Board action to a formal hearing.

Zero Down Auto and Nisar Haidery – On May 23, 2018, an informal fact-finding conference was conducted to address the alleged violations of failure to maintain liability insurance on each D-tag. Based on the information provided at the hearing, the Board assessed a civil penalty of \$1,000. Mr. Haidery may appeal this Board action to a formal hearing.

J & M Used Auto Sales and Marinda A. Vess-Pritchard – On May 16, 2018 an informal fact-finding conference was conducted to address the alleged violations of failure to maintain dealer records, business hours, failure to provide liability insurance on each D-tag, and failure to comply with previous warnings. Based on the information provided at the hearing, the Board requires a satisfactory inspection and recommends the Dealer-Operator 2-day Course for Mr. Pritchard. Ms. Vess-Pritchard may appeal this Board action to a formal hearing.

Administrative Actions:

Dodd RV, and James E. Dodd. Paid a \$1,000 civil penalty for selling vehicles from an unlicensed off-site sale.

West Broad Auto Sales, and Jason Alan Woody. Paid a \$250 civil penalty for failure to maintain posted business hours.

Afton Motor Sales, and William Smith. Paid a \$250 civil penalty for failure to maintain posted business hours.

All Stars Automotive, and Carey E. Rene. Paid a \$1,000 civil penalty for failure to provide proof of salespersons on a W-2.

Ratherunique Automotive LLC, and Harold Sidney Carothers, 3rd. Paid a \$500 civil penalty for proof of salespersons paid on a W-2, and failure to safety inspect vehicles prior to retail sale.

Distinct Motors LLC, and Chiffon L. Green. Paid a \$500 civil penalty for failure to maintain dealer records, salespersons paid on a W-2, and failure to maintain posted business hours.

USAuto Center, and Coada Igor. Paid a \$250 civil penalty for proof of salesperson paid on a W-2.

Board Actions

Nation Motors of Fredericksburg LLC, and Luis Munayco. Paid a \$750 civil penalty for failure to maintain dealer records, and posted business hours.

Premium Motors, Inc., and Khalid Majeed. Paid \$250 for not meeting the requirements of an established place of business, and failure to maintain dealer records.

M & E Auto Sales LLC, and Solange Solomon & Stacy Armstead. Paid \$250 for failure to maintain posted business hours.

Auto Discounters.net, and Davin Webster Meek. Paid a \$250 civil penalty for failure to maintain dealer records.

4 Wheels Auto Sales, and Nancy Majano. Paid a \$1,500 civil penalty for proof of salespersons on a W-2, and failure to maintain liability insurance on each D-tag.

General Auto Sales, LLC, and Meshack O. Obinna. Paid a \$750 civil penalty for misuse of D-tags, and proof of salespersons on a W-2.

G and N Auto Sales LLC, and Gyasi Ali Alexander. Paid a \$2,000 civil penalty for failure to maintain liability insurance on each dealer tag.

RVA Imports LLC, and Asher Joe Were. Paid a \$500 civil penalty for failure to maintain posted business hours.

Tony's Auto & Truck Sales, and Grover Wilson. Paid \$750 civil penalty for failure to maintain posted business hours.

Hurt's Motors, and David Hurt. Paid a \$250 civil penalty for failure to maintain posted business hours.

Lowry Tire & Auto Center, Inc., and Joseph V. McNamara. Paid a \$1,000 civil penalty for failure to maintain liability insurance on each dealer tag.

Auto Discounters, and Paul John Rubis. Paid a \$250 civil penalty for failure to provide proof of salespersons paid on a W-2.

Dixie Motorsports Inc., and Wendy L. Murray. Paid a \$500 civil penalty for failure to maintain posted business hours.

West Capitol Financial LLC and Gregory L. Armstead, Jr. Suspended for failure to pay a \$750 civil penalty for failure to maintain posted business hours.

Carson & Sons Auto Sales, and Hounshel Carson. Paid a \$250 civil penalty for failure to maintain posted business hours.

Capital Auto Brokers, LLC, and Donald J. Neal. Paid a \$250 civil penalty for failure to maintain posted business hours.

Don's Auto Exchange Inc., and Donald J. Keene. Paid a \$250 civil penalty for failure to maintain dealer records.

VA Budget Auto Sales LLC, and Shakeel M. Anwari. Paid a \$2,000 civil penalty for failure to maintain liability insurance on each dealer tag.

MB Auto Brokers, and Zekai Bursalioglu. Paid a \$4,500 000 civil penalty for failure to maintain liability insurance on each dealer tag.

North Irving Motors, and Elfatih E. Ali. Paid a \$250 civil penalty for failure to provide proof of salespersons paid on a W-2.

Board Actions

JNM Automotive Sales, and Ali Moukalled. Paid a \$250 civil penalty for failure to safety inspect vehicles prior to retail sale.

SEB Auto Group, and Kevin Burton. Paid a \$750 civil penalty for failure to maintain dealer records, and failure to provide proof of salespersons paid on a W-2.

Auto Imports of Woodbridge Inc., and Ahmad Atashi. Paid a \$1,750 civil penalty for failure to maintain dealer records, maintain liability insurance on each dealer tag, and provide proof of salespersons paid on a W-2.

Approved Auto LLC, and Adam Abdallah Tanoukhi. Suspended for failure to pay a \$750 civil penalty for failure to maintain posted business hours.

Bucket Auto Sales, and Dawoud Abdul-Hamid Adeyola. Suspended for failure to pay a \$750 civil penalty for failure to maintain posted business hours.

Elizay Motors, and Rya Seals. Paid a \$250 civil penalty for failure to maintain dealer records, and provide proof of salespersons paid on a W-2.

A-1 Auto Sales of Dulles, LLC, and Alvin C. Leach, Jr. Paid a \$4,000 civil penalty for failure to provide proof of salespersons paid on a W-2, provide proof of safety inspection prior to retail sale, and failure to maintain liability insurance on each dealer tag.

International Auto Wholesalers, and Davoad T. Moghadam. Paid \$250 civil penalty for unlicensed salespersons.

Lundy Motors, and Hunter Mitchell Lundy. Suspended for failure to pay a civil penalty for failure to maintain dealer records, and provide proof of salespersons paid on a W-2.

Licensing

Informal fact-finding conferences:

Curtis A. Bryant, Sales Applicant – On May 16, 2018, an informal fact-finding conference was conducted to address the alleged violations of material misstatement on a sales application. Based on the information provided at the conference, the Board approved Mr. Bryant to apply for a salesperson license. Mr. Bryant may appeal this Board action to a formal hearing.

For prior issues of Dealer Talk click [HERE](#)



The Dealer Board has installed a new phone system. When calling the Board, please listen carefully to the menu, as the prompts have changed.

IMPORTANT NOTICE TO PROSPECTIVE DEALERS

The path to a Dealer-Operator license begins with a required two-day course of study each month at various community colleges in Virginia with the curriculum and instruction provided by VIADA. The course takes the attendee from establishing the dealership under local zoning and Dealer Board requirements, through the sales process with its multitude of forms, laws and regulations, into a sampling of opening and operating expenses, and ending with a discussion on ethics. The course is also open to all existing dealers and their employees.

Date	College
2018	

THE FOLLOWING COURSES ARE REGISTERED THROUGH VIADA,

CALL 1-800-394-1960 to register or visit viada.org

August 7-8	Tidewater Community College, 7000 College Dr., Suffolk, VA 2343
August 21-22	Piedmont Virginia Community College, 501 College Dr., Charlottesville, VA 22902
September 5-6	Lord Fairfax Community College, 6480 College St, Warrenton, VA 20817
September 18-19	Reynolds Community College, 1651 E. Parham Rd, Henrico, VA 23228
October 2-3	Northern Virginia Community College, 1831 Wiehle Ave, Reston, VA 37088
October 23-24	New River Community College, 781 New River Rd, Christiansburg, VA 24073
November 6-7	Blue Ridge Community College, 1 College Ln, Weyers Cave, VA 24486
November 27-28	Germanna Community College, 10000 Germanna Point Dr., Fredericksburg, VA 22408
December 11-12	Reynolds Community College, 1651 E. Parham Rd, Henrico, VA 23228

MOTOR VEHICLE DEALER BOARD

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DISCLAIMER: We make every effort to ensure information in Dealer Talk is accurate, but it is not a substitute for legal advice.



MVDB Mission Statement

The Motor Vehicle Dealer Board will administer sections of the Commonwealth's Motor Vehicle Dealer Laws and regulations as charged; promote the best interest of both the automotive consumer and dealer community; while providing a high level of customer service.

Auto Sales Data

Motor Vehicle Unit Retail Sales Light Vehicle and Total Vehicle Sales

See article on pg. 4

	Autos not seasonally adjusted (Thousands)	Light Trucks not seasonally adjusted (Thousands)	Light Total not seasonally adjusted (Thousands)	Total not seasonally adjusted (Thousands)	Autos seasonally adjusted at annual rates (Millions)	Light Trucks seasonally adjusted at annual rates (Millions)	Light Total seasonally adjusted at annual rates (Millions)	Total seasonally adjusted at annual rates (Millions)
2017								
January	412.4	726.2	1138.6	1164.3	6.326	11.011	17.3	17.7
February	483.5	840.6	1324.1	1352.1	6.268	11.063	17.3	17.7
March	589.9	957.7	1547.5	1582.7	6.145	10.575	16.7	17.1
April	537.7	880.0	1417.7	1449.7	6.255	10.713	17.0	17.4
May	561.8	947.5	1509.3	1543.9	5.989	10.713	16.7	17.1
June	521.4	943.7	1465.1	1502.8	5.765	10.843	16.6	17.0
2018								
January	365.7	785.3	1151.0	1181.7	5.521	11.562	17.1	17.5
February	421.8	871.9	1293.8	1328.1	5.483	11.483	17.0	17.4
March	537.0	1110.0	1647.1	1687.6	5.423	11.972	17.4	17.8
April	428.5	925.0	1353.5	1391.3	5.278	11.880	17.2	17.6
May	511.2	1073.9	1585.1	1625.1	5.241	11.607	16.8	17.3
June	482.8	1060.9	1543.8	1586.7	5.246	12.135	17.4	17.9